Supreme Court, U.S.
FILED
MAR 2 6 2004
OFFICE OF THE CLERK

(2)

No. 03-1035

IN THE Supreme Court of the United States

ALICIA KELSO,

Petitioner,

v.

UNITED STATES DEPARTMENT OF DEFENSE
INTELLIGENCE AGENCY +50 INCLUSIVE

,Respondent.

ON PETITION FOR A WRIT OF CERTIORARI AND WRIT OF HABEAS CORPUS TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR A REHEARING, EN BANC, TO A WRIT OF CERTIORARI AND A PETITION FOR WRIT OF HABEAS CORPUS IN VETERAN STATUS

ALICIA KELSO
Counsel of Record, Pro hac vice
9325 Lavell St.
La Mesa, California 91941
(619) 463-1801, (760) 295-6764

TABLE OF CONTENTS

Statement of Jurisdiction.....i
The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1).

Statutes:.....i

4th Amendment of the U.S. Constitution
"...the right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures shall not be violated..." "...and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."

Title 41United States Code et seq.
Title 42 United States Code et seq.
Federal Tort Claims Act
7 U.S.C. 2000 et seq.
1 U.S.C. 12111 et seq.
UCMJ (applicable to all active duty)
Human Rights
Title VII U.S. Civil Rights Act, 1964, as amended

Authorities/Cases:

1. Weinstein vs. U.S. Central Intelligence Agency and *Psychiatry and the CIA*: Victims of Mind Control, Harvey Weinstein

2. Sims vs. U.S. Central Intelligence Agency requesting documents specific to psychiatric experimentation.

PETITION FOR REHEARING EN BANC AND PETITION FOR WRIT OF HABEAS CORPUS.....1

U.S. ARMY VETERAN STATUS
PETITION FOR REHEARING *EN BANC*
AND PETITION FOR HABEAS CORPUS

This Petition for Rehearing and Writ of Habeas Corpus, requesting acknowledgement of U.S. Army Veteran Status is submitted in truth and honor and not for delay.

Petitioner prays the full court to reconsider, knowing that it is not a right but an act of mercy and discretion to grant the request that all 9 Justices review this case.

Petitioner requests each Justice to consider that Petitioner is presently, literally dying of the ramifications of both experiences while a diplomatic employee in Intelligence and later secondary delays in processing this investigation of Respondents' activities. Petitioner begs the Court to consider Petitioner's status as a mere GS-7 secretary and the personal, detrimental, investment of communicating harms done to her during financial hardship that warrants the Courts' attention; Hugely international, official behavior issues beyond Petitioner's control or influence are involved.

Petitioner pleads the court to help repair her life; Petitioner is convinced that the rise in Terrorism is an *anticipated* result of United States intervention in areas that are sovereign, sacrosanct, and the reactions to U.S. government intrusion incited self-destruction as well as violence. Petitioner is not represented by counsel, but is Counsel of Record and pleads the court to exercise its appellate jurisdiction, due to the ***exceptional circumstances*** that warrant the Court's powers. Adequate relief could not be obtained in any other form or from any other court for 7 years and involves violation of 4th Amendment Constitutional rights protecting citizens from unlawful intrusion. Respondent unlawfully detained Petitioner without truthful

cause. Respondent performed an unlawful search (**docketed evidence** provided by Respondent i.e., Colonel McBride's hand-written note, submitted as evidence in 9th Circuit Appellate Court, that "(he) went through Petitioner's private files in her home and found nothing but personal info", severed her from her only child and friends for 7 years to focus on this very case, removed her from her household goods for 6 months, plus defamed Petitioner and derailed future employment opportunities. Petitioner was in *documented* satisfactory standing the entire time. Respondent *caused* Petitioner damage in major life activities, poverty and mental anguish to Petitioner's family.

Exceptional Circumstances –

(1) Respondents were willing to pay Petitioner for 365 days while on *forced* Administrative Leave, to *encourage* Petitioner *not to continue* the grievance procedure *already in progress* versus her supervisors, SMSgt Cieslewicz and Colonel Mitchell (*Petitioner's allegation*); Petitioner resigned for violation of 4th Amendment rights alleging Respondents orchestrated distraction.

(2) Petitioner was the initial recipient of threat letters to the Defense Attachés Office in Switzerland and damaged by work-related injury that Respondents' actions exacerbated by using her security threat reports to justify claims that Petitioner was mentally ill. Petitioner successfully performed in an exceptional employment condition, in a United States Embassy for the Defense Attaches' Office, had daily official business with the Swiss Military Protocol office and received Iraqi "walk-ins";

(3) Petitioner exhausted available remedies at the U.S. Embassy in Switzerland and DIA in the Capitol, the Superior Court in San Diego, the Ninth Circuit Appellate Court in San Francisco and the Supreme Court. It is now 8 years (7 years in the United States) that Petitioner has patiently attempted to have Senior Master Sergeant (USAF) Joseph R. Cieslewicz and Colonel (USA, ret.) William H. Mitchell, Jr., exposed; SMSgt Cieslewicz predisposed the new Attaché Colonel (USA) Robert H. McBride

to perform an illegal search and used presumptive imagination to perform administrative harm to Petitioner *in the first month of his arrival on station.* SMSgt Cieslewicz investigated Petitioner from 1993-1997 for impoverished circumstances and raised DIA's suspicion due to Petitioner's affection to Swiss people and language, as if indicative of Petitioner's untrustworthiness: culminating in a violation of the 4th Amendment.

Petitioner moves this court for an order (1) vacating denial of petition for writ of certiorari (January 21, 2004), (2) grant the petition, (3) accept Petitioner's Motion for Veteran status, and (4) grant the petition for writ of habeas corpus.

1. Unlawful Detainment AND Unlawful Search: Previous denials inhibited investigation to prove Respondent's guilt: A cover-up. Without warrant Respondent unlawfully searched Petitioner's private residence while the Veteran/civilian Petitioner was incapacitated by Respondents' psychiatrists in a military hospital 400 miles away. Nothing was found to justify the intrusion.

2. Respondent coerced Petitioner to sign documents, separate from her 6-year-old son for 3 weeks without lawful process and removed Petitioner from her household property for 6 months.

3. Respondent did not inform Petitioner of her right to legal counsel and deluded Petitioner to *believe* her federal employer had the right to abruptly remove her from employment in good standing to perform psychological tests, inclusive of vaginal and breast exams, without relating the importance of these procedures to the threat report Petitioner submitted; Therefore, Miranda Rights are involved as well as 4th Amendment rights.

4. Respondent did not have the approval under Executive Order 12333 to perform collection activities on Petitioner for 3.5 years. Petitioner is and was a United States Citizen who is suspected of having been surveilled by Respondent without the President's approval, violating both the law and ethical intelligence procedure. Until an official investigation is performed, Petitioner remains harmed with no venue to admonish Respondents.

OFFENSIVE OFFICIAL INCIDENTS

1. United States sponsored effrontery to Corps Commandant Arthur Liener and his life's partner, Mrs. Freiburghaus, who was not allowed on an official counterpart visit to General Shalikashvili because the couple was not married.

2. The choice to have the Jewishness of United States Ambassadors and the Point-Man at the America Center in Geneva accentuated while the Holocaust Assets issues were under way appeared strategic, baiting Anti-Semitism.

3. President Clinton's appointment of Senator Alfonse D'Amato to be his representative in the Holocaust Assets deliberations caused Swiss Ambassador Carlo S.F. Jagmetti to resign due to the Appointee's undiplomatic behavior.

4. Hyping-up global mass-media on negative issues, rather than the positive exchanges the United States and Switzerland actually experienced (FA-18 Jets, Swiss/American Society sports and cultural activities, Petitioner's accomplishment in choosing enculturation with the Swiss out of genuine desire) all were eclipsed by the "Nazi Gold" issue (1996-1998).

5. The Mission Program Plan (MPP) outlined the "Agenda" the U.S. posed for Switzerland, including encouragement to join NATO. Switzerland repeatedly *responded* that (they) don't want to lose choice/voluntary engagement, sovereignty, self-direction, discretion over their military actions, political or economic *intervention* or *constraints* on *themselves or other nations* due to membership in that extra-national government. The U.S. drives the United Nations' members into invasive action, counter to the very embodiment of Swiss Neutrality and, *paradoxically*, the foundation of the U.S., which is not to engage in alliances that diminish national sovereignty of the United States, itself.

6. There were repeated incidents of soldiers arriving at the borders with M16-A1 rifles and ammunition and U.S. NATO-labeled vehicles in convoy, even though the USAREUR News announced that Switzerland was not a passage for NATO

operations. Petitioner handled the violations with the Swiss Military Protocol and the border guards themselves as a mere Secretary, in German language.

7. In Switzerland there was blatant psychic driving accomplished via mass media, Petitioner's son acted in ways he never did before. After the 1.5 years that the Swiss child psychologists worked with him, or *on him*, such as he came home glassy-eyed after childcare, inappropriately giggling, scratched or bruised after childcare (reportable head injuries and detention in lavatories and infants sectors when he was 5 years old). When Petitioner ceased allowing "free" psychologists' visits, the center manager wanted Petitioner to "go back to the Americans", but Petitioner told the manager that it would be no different with Americans, as *the belief-system of psychology*, behavior modification to accept unfair treatment *transcends national borders*, and that Petitioner's son would lose the ability to learn the dialect of Bernese. The childcare manager was offended for Petitioner's allegations that psychology was somehow dysfunctional, disrespected Petitioner's pedagogical and employment experience in child psychology and early childhood education, due to Petitioner's insistence of adult intervention when physical violence erupted. The childcare center manager insisted that people need to learn that violence hurts the perpetrator and intervention prevents the natural education that ensues and disregarded Petitioner's value of Bernese culture. Petitioner had appointments with Swiss psychologists for her son, as did her Defense Attaché, Col. Mitchell, with Dr. "Z" during his wife's breast cancer dilemma and both were on the official calendar. Petitioner needed to use leave-time, but the Defense Attaché was excused due to being active duty military.

8. Freedom from religion at work: Discussions of Mormonism in the office, often reminded by Petitioner's civilian Mormon peer that the DIA Director at that time was Mormon, that the next in-coming employee was a Mormon. There were

Mormon posters in the office. Jewish issues were at the forefront officially, eclipsing the Mission Program Plan.

9. Refugees from the Bosnian, Albanian, Macedonian conflicts came to Switzerland. Citizen demonstrations about the influx and a bombing of the main train station in the capitol city a block from Petitioners apartment (across the street from the Bosnian Embassy), along with the Swiss neutral "Blue Helmets" sent to the Bosnian crisis as "observers" and the U.S. push to get them to be NATO soldiers so that they could bear arms had the Swiss parents, whom Petitioner knew, in tension about American intrusion globally and to join in "the American way".

10. SMSgt Cieslewicz asked petitioner if she would like to invite anyone to the 1st Annual Defense Attachés Office Holiday Party. Petitioner was in country only 2 months and knew only the childcare center personnel, so petitioner asked them. When Petitioner told SMSgt Cieslewicz their names he said that they had to be "officially associated with the Embassy" and that they couldn't attend. Petitioner stated that without the childcare center Petitioner could not work at the Embassy. It would be offensive to cancel the invitation now that they had already been invited and he didn't inform Petitioner of the "official ties", knowing that Petitioner didn't know any Swiss officials having been in country only 2 months. SMSgt Cieslewicz's response was, "Mind over matter: I don't mind and they don't matter." Petitioner had just started working a 40-hour workweek due to the childcare center, who were *very affronted* and embarrassed to hear the retraction and the fact that the supervisor did not value them.

11. Petitioner processed Swiss Cabinet-Level officials to go to the Senior Intelligence School in Monterey, California, and was informed by one person's office that requiring an HIV test of such caliber of dignitaries was rude, officially crass. The course does not involve any body fluid exchange, unless one counts paper cuts, it being an indoctrination course.

12. Ambassador Kunin held a Town-Hall-Meeting in the Embassy Annex, where the Visa Division Chief, Mrs. Ann Irvine

made comment that "This is an American embassy and Americans run it our way" that elicited grumbling on the foreign national side of the room (the audience was relatively divided by U.S. on one side and others "over there"). Then SSgt David Dukes' wife stood to share her happiness with the English-speaking Montessori school. Petitioner shared her appreciation for the Swiss childcare center and the several nationalities represented there who were all learning Bernese German together. Petitioner's comment inspired SSgt Dukes, the Marine Security Guard Commander, to send offensive flyers to all offices in the Embassy *for two days*, listing every country in the world as *a spoof* on Petitioner's list of nationalities at the Swiss childcare center: Petitioner was made a fool of. The following April 1 Petitioner was unwillingly admitted to a psychological evaluation for making a security threat report and requesting safety: A trick.

13. Petitioner helped retired Swiss Colonel Roland Kinzel get a business visa, by walking his forms, American business letters and fee payment to the Visa section. Colonel Mitchell previously denied him, as Colonel Kinzel did not have any official business with the Defense Attachés Office. Petitioner accomplished it as a kindness, so the Swiss dignitary did not have to stand in line.

14. Op Eds in the media incited outrage in the local area of the U.S. Embassy, as parents at the childcare center commented on Petitioner's Employers' publicized activities.

15. United States sponsored international media hype on "Mad Cow" disease in Scotland and Switzerland, promoting beef from the USA was a daily aggravation to the Swiss and they told Petitioner, *daily*. All wanted to know why it was taking years to figure out the plague in Europe (it took a mere month to discover that the dangerous parts were only the brain and spinal cord, when it hit the United States in 2003). Why did it languish-on in Europe? The "Mad Cow" beef scare "appeared" to be economically advantageous to the United States. At the same time the U.S. had State Department and World Health Organization constraints imposed on time spent in Scotland, Visa requirements

for Swiss business, official students and tourists, plus the Holocaust media hype draped a mental pall daily in Europe.

16. Mission Program Plan – Pressuring Switzerland to become a member in International organizations that the Swiss repeatedly expressed that they did not want, due to the obligatory, concomitant relinquishment of national volition (i.e., NATO).

17. Colonel Mitchell immediately declassified the 10th Special Forces STU III – faxed information regarding training with the Swiss. Only authorized persons in both the 10th SF and DIA and the Swiss Military can declassify. It is not arbitrary.

18. A student of the F/A-18 Maintenance program needed an extension for himself and his wife to continue training, but had to drive from Florida to Canada, because the rules could not accommodate them getting the visa extension while in the Continental United States on official government training.

The above is not exhaustive, but shows the lack of courtesy in official venues. Petitioner witnessed and heard it from Swiss people who wondered if American's have a national attitude of crass-superiority: The impact to foreign nationals lacks dignity.

AFFIDAVIT OF VETERAN STATUS

Petitioner is a Veteran of the United States Army and served in honorable status (June 1986 - July 1991). Petitioner is a recipient of impact medals for both German language and Security breach reports while in the European Theater as a soldier.

CERTIFICATE OF COUNSEL

As Counsel of Record and Petitioner, I hereby certify that this petition for rehearing and writ of habeas corpus is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44(2) of the Rules of this Court. Under penalty of perjury, Petitioner pleads the court to acknowledge that Petitioner exercised great discretion under hardship for more than 7 years, seeking the lowest level of official repair before

disturbing the Supreme Court. Petitioner would not beg for the Court's attention, were it not for extreme negligence and suspected obstruction of justice on the part of Respondent.

Petitioner sought the advice of retired General Pfister, former Assistant Deputy Chief of Staff, Intelligence of the United States Army at the Pentagon and Colonel Charles Handley (USA, retired), former Counter Intelligence Chief in USAREUR who could attest to Petitioner's character regarding security awareness. Mr. Peter H. Flournoy, Esq. can attest to Petitioner's tenacity and honorable endeavor to seek justice *quietly*. If the Court desires current attestation to Petitioner's responsible behavior, it may contact Karla Tromm, Manager of Securitas in Escondido, Lieutenant Brown and other Mobile Supervisors of Securitas USA for references (Phone: 760-746-7792).

Petitioner pleads the Court to affirm the need for a responsible investigation of Senior Master Sergeant (U.S. Air Force) Joseph R. Cieslewicz, Colonel (U.S. Army) Robert H. McBride and Colonel (U.S. Army, Retired) William H. Mitchell, Jr., while they were working under the auspices of Defense Intelligence Agency. **It is suspected that in their capacities they did not inform the Embassy chain-of-command of the security threat Petitioner reported and misinformed them of Petitioner's reasons for abrupt removal**, in that they caused the Embassy to send a "get well card" instead of initiate an investigation of a serious terrorist threat to a "Low-Threat Post". April 1, 1997 through present has given us all a real terrorist threat in Kenya and Tanzania (low-threat posts); It is about time the Authorities honor Petitioner's communications, rather than deny her justice.

Petitioner had and has done nothing wrong, abided and abides by the behavior expected of one with a Top Secret security clearance with alphabet access and has sought to reach authorities who would take hold of the aforementioned impudent

persons to teach them and others in similar stations of responsibility that they cannot abuse their status.

Petitioner has maintained self-sequestering for 7 years. The incident of April 1, 1997 INITIATED Respondent's agents into action, convinced that Petitioner was a threat to the interests of the United States and should be RENDERED incompetent in order to deny any further investigation, due to her thinking/input.

Petitioner was educated by Respondent and reported honorably, BUT now Petitioner presents a threat to the political action of other, indoctrinated personnel, who have not had an education that allowed them to perceive the right to sovereignty of nations other than the United States model: Americans have been denied the advantage of other than United States model of democracy.

Petitioner remained politically silent while in the employ of Defense Intelligence Agency, but the reactions to the Official American actions in Switzerland in Petitioner's locale were reportable to her supervisor, who chose to render Petitioner incompetent, due to his own worries of being admonished for his verbal abuse and lack of care of Petitioner during work hours.

Under penalty of perjury, I have reported accurately and request your allowance to let this question of whether DIA had the Right to Insurgency, Invasion of Privacy and Defamation of Character.

It appears that Petitioner was deemed a sympathizer to the Swiss by questioning the acts of U.S. authorities, therefore a "risk". The situation could plausibly become the venue of a Human Rights Court. Petitioner would rather see the body of Justices ameliorate the situation, before it becomes a global catastrophe.

ALICIA KELSO
Counsel of Record, Petitioner and U.S. Army Veteran